

## **TAX DITCH RIGHT-OF-WAY TASK FORCE**

**August 22, 2007**

### **Minutes**

John Hughes, Secretary of the Department of Natural Resources and Environmental Control (DNREC) called the meeting to order at 9:06 a.m.

The following Task Force Members were present: Frank Piorko, Dave Toomey, Doug Corey, Ed Jestice, Gary Dodge, Richard James, Lauren Alberti, Rep. Pam Thornburg, Mike Brown, Fred Mott, Bill Vanderwende, Rep. V. George Carey. Also present were the following: Debbie Absher (Sussex Conservation District), Bob Enright, Tom Barthelmeh, Robert Baldwin, and Michele Garner (DNREC). Task Force members absent: Carlton Fifer, Elton Murray.

Secretary Hughes explained his role, the Task Force's role and read the provision of Senate Concurrent Resolution #27. Secretary Hughes stated that Michele Garner would be the Support Staff Coordinator for the Task Force. He also explained housekeeping rules regarding the Task Force, including deadline of 12/30/07 and election of Chair.

Frank Piorko, DNREC Drainage Program Administrator shared with the Task Force a brief history of Tax Ditches and the previous work completed under the Tax Ditch Recordation Task Force.

Secretary Hughes suggested that the Task Force consider categorizing Tax Ditches similar to hurricanes.

A discussion was held regarding the need of education regarding the tax ditch rights-of-way. Education needs to be provided as much as possible to all parties involved – attorneys, title searchers, realtors, surveyors and landowners. Secretary Hughes committed to seeking funding for this type of education and outreach.

The Task Force went to Executive Session in order to deliberate and elect a Chairperson. All guests (non-task force members) left the room.

The regular meeting of the Task Force resumed after the brief Executive Session meeting. Representative Pamela Thornburg had been unanimously elected to be the Task Force Chairperson by those present. Secretary Hughes stated he had the Representative Terry Spence's proxy (Speaker of the House). Secretary Hughes contacted Senator Thurman Adams (Senate Pro-Tem) and received his proxy. Secretary Hughes then cast proxies for Rep. Spence and Sen. Adams for Rep. Thornburg. The final result of the election was a unanimous vote for Rep. Thornburg. Secretary Hughes then congratulated Representative Thornburg on her election as Chairperson of the Task Force.

Frank Piorko informed the Task Force of the status of requests for tax ditch right-of-way inquiries. Michele Garner shared with the Task Force the type of information now on file at the Recorder of Deeds office in each county regarding tax ditches and the process for attorney's, title searchers, landowners, etc. to inquire as to if a parcel is affected by a tax ditch right-of-way.

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A discussion was held on the need to categorize tax ditches and determine just how much right-of-way is needed to spread spoil (based on bottom width). Also discussed, was the concern to make rights-of-way measurement techniques more simple and consistent. Currently they are measured both from centerline of the ditch and the top of the ditch bank, depending on the type of right-of-way (maintenance, construction, disposal limits).

It was decided that the initial effort of the Task Force would be focused on learning more about the specific dimensions for each Tax Ditch and the recommended right-of-way necessary to perform minor and major maintenance for each. DNREC staff will prepare technical information for the Task Force by the next meeting.

Representative Thornburg also requested recommendations on how tax ditch rights-of-way should be measured. Mr. Dodge (Bar Assoc. Representative); Mr. Toomey (Title Insurance Representative), Mr. Murray (Professional Land Surveyors Representative), Mr. James and Mr. Fifer (Tax Ditch Manager Representatives) – were requested to report back at the next Task Force meeting on which measurement method should be utilized (pros & cons). Others present were encouraged to contribute recommendations as well.

Representative Thornburg suggested a special meeting to discuss education concerns and steps forward.

The next meeting of the Tax Ditch Right-of-Way Task Force is scheduled for Monday, September 17, 2007, 6:00 – 8:00 p.m. in the DNREC Secretary's conference room.

Meeting adjourned at 11:20 a.m.

Respectfully Submitted

A handwritten signature in black ink, reading "Michele L. Garner". The signature is written in a cursive, flowing style.

Michele L. Garner  
Administrative Specialist II